

## SECTION 3 INSTRUCTIONS TO APPLICANTS

### 3.1 Inquiries

#### 3.1.1 Duty to Examine

It is the responsibility of each Applicant to examine the entire Request for Qualified Vendor Applications (“RFQVA”), seek clarification in writing, and check its Application for accuracy before submitting the Application.

#### 3.1.2 RFQVA Contact Person

Any inquiry related to the RFQVA, including any requests for or inquiries regarding standards referenced in the RFQVA, shall be directed to the [DDDContractsManager@azdes.gov](mailto:DDDContractsManager@azdes.gov).

#### 3.1.3 Submission of Inquiries

The ~~Division’s~~ Contract Manager may require that an inquiry be submitted in writing. Any inquiry related to the RFQVA shall refer to the appropriate RFQVA number, page, and paragraph.

#### 3.1.4 No Right to Rely on Verbal Responses

Any inquiry that results in changes to the RFQVA shall be answered solely through a written RFQVA Amendment. An Applicant may not rely on verbal responses to its inquiries.

#### 3.1.5 RFQVA Amendments (Solicitation Amendments)

The RFQVA Solicitation shall only be modified by an RFQVA Amendment. All amendments will be posted to the ~~Division’s~~ website for thirty (30-~~thirty~~) days for review and comment prior to implementation. Qualified Vendors will be sent an electronic notice of final Solicitation amendments.

#### 3.1.6 Email Notification

Applicants must have an active notice email address to be awarded a Qualified Vendor Agreement (“QVA” or “Agreement”). All notices pertaining to the Application Agreement from the Division are made via the Applicant’s notice email address. Qualified Vendors shall keep their email address updated in the Qualified Vendor Application and Directory System (“QVADS”)~~their approved electronic Application~~. There is no other method for changing notice email address.

### 3.2 Application Preparation

### 3.2.1 General

The Applicant shall submit, in a sealed envelope or package labeled with the Applicant's name and "RFQVA # DDD 710000", one (1) original, signed, electronic~~ally~~-generated printable hardcopy (available only when the Application has been submitted electronically) of its Application plus necessary submittals with its Application:

In person or by courier (must request and receive a receipt):

~~DDD~~-Contract Management Unit, 4<sup>th</sup> Floor Southwest  
Business Operations – Site Code 791A  
Division of Developmental Disabilities  
Arizona Department of Economic Security  
1789 West Jefferson Street  
Phoenix, Arizona 85007  
(602) 542-6874

       By mail to:

~~DDD~~-Contract Management Unit  
Business Operations – Site Code 791A  
Division of Developmental Disabilities  
Arizona Department of Economic Security  
P.O. Box 6123  
Phoenix, Arizona 85005

The hardcopy shall consist of the following in the order specified below:

1. A completed and signed *Application and Qualified Vendor Agreement Award* form (see Section 9, Attachment A, for a sample of this form), which shall be generated by the ~~Qualified Vendor Application and Directory System-QVADS~~(~~see Section 9, Attachment A for a sample of this form~~). This form is not available until the Applicant has completed the electronic submittal of its Application (see Section 9, Attachment B, for information about submitting the electronic Application via the on-the-Qualified Vendor Application and Directory S)ystem).
2. A completed and signed *Qualified Vendor Application Assurances and Submittals* page (Section 3 in the electronic Application), which is generated by ~~the the-Qualified Vendor Application and Directory System~~ (~~see Section 9, Attachment B~~). ~~An additional hardcopy version of Assurances and Submittals must also be signed and submitted (see Section 9, Attachment E).~~ If any of the Applicant's responses to these assurances changes after award, changes must be made to the electronic Application via the QVADS, submitted in the QVADS, printed out, and the hardcopy version of Assurances and Submittals must be re-signed, and submitted to the Division's ~~DDD~~-Contract Management Unit as listed above.

3. ~~RFQVA Amendment signature pages for all applicable amendments to the RFQVA Solicitation. Completed and signed RFQVA amendment signature pages (as applicable).~~
4. A print-out of all sections of the electronic Application submitted by the Applicant ~~into the~~ the Qualified Vendor Application and Directory System (see Section 9, Attachment B). The print-out is not available until the electronic application has been submitted.
5. All applicable submittals required in the *Qualified Vendor Application Assurances and Submittals Form* (Section 3 in the electronic Application). ~~This form is part of the Qualified Vendor Application and Directory System (see Section 9, Attachment B).~~
- ~~5.6. In addition, All forms and documents indicated on the Request For Qualified Vendor Applications Submittal Checklist shall be submitted, as appropriate, and with original signatures where indicated.~~

If the hardcopy submittal is not minimally adequate as described above (refer also to the RFQVA Submittal Checklist), the submittal will not be released for processing. The electronic version must be complete and include readable information for each of the required elements in QVADS that conforms to the hardcopy.

After submitting a proper electronic Application and the proper electronically-generated hardcopy of the Application, including all applicable amendments, submittals, forms, and documents, the Applicant will be notified via email that review of the Application has begun. If the Applicant does not receive an electronic notice via email after five (5) business days, it may contact the Division's Contract Management Unit to confirm the status of its Application. An Application will not be considered submitted and released for processing until both the electronic and hardcopy versions are received by the Division's Contract Management Unit. Such "non-submittals" will not be eligible for consideration of an awarded Agreement.

An Applicant may be awarded only one (1) ~~Qualified Vendor Agreement~~ by the Division. This is enforced primarily by a unique Federal Employer Identification Number ("FEIN") and W-9. If a new/replacement FEIN is obtained by a current Qualified Vendor, a new Application is required. The ~~Division's~~ DD Contract Manager is available to assist in this transition which may involve the transition of authorizations from an old FEIN to a new FEIN as appropriate.

~~A Qualified Vendor may apply for an amendment for the purpose of adding additional services throughout the term of the Agreement. The Applicant must ensure that the Application includes RFQVA amendment signature pages for all applicable amendments to the RFQVA.~~

~~If the Applicant amends the Application to add a service and has an existing Qualified Vendor Agreement, the Applicant shall submit a hardcopy of items 1 through 4 above as well as any submittals that have changed since approval as a Qualified Vendor.~~

~~In addition to the hardcopies of the Application, the Applicant shall provide the required information in the Qualified Vendor Application and Directory System and submit that information via the Division's website. Applications that do not include the required forms, are~~

~~missing necessary signatures or are otherwise unclear will be considered incomplete and not subject to further processing.~~

~~After submitting a proper electronic Application and the proper electronically generated hardcopy of the Application (available only upon completion of electronic submittal) the Applicant will be notified via email that review of the Application has begun. If the Applicant does not receive an electronic notice via email after five (5) business days, it may contact the DDD Contract Unit to confirm the status of its Application.~~

~~An Application will not be considered submitted and released for processing until both the hardcopy and the electronic version are received by the Division.~~

~~If the hardcopy submittal is not minimally adequate as described above (refer also to the Request for Qualified Vendor Applications Submittal Checklist), the submittal will not be released for processing. The electronic version must be complete and include readable information for each of the required elements in the Qualified Vendor Application and Directory System that conforms to the hardcopy. The hardcopy of the Application shall be submitted in a sealed envelope or package labeled with the RFQVA number.~~

### 3.2.2 Consultants

Applicants who utilize consultants to assist in their Application shall not be represented by the consultant. All discussions and agreements will be made directly with the Applicant.

### 3.2.3 Website

The RFQVA and any amendments are available on the Internet at the Division's website at [www.azdes.gov/ddd/](http://www.azdes.gov/ddd/). The website also contains links to other websites to access materials referenced in the RFQVA.

### 3.2.4 Public Record

Prior to the effective date of the ~~Qualified Vendor Agreement~~, the Division shall not disclose any information identified by the Applicant as confidential business information or proprietary information without first notifying the Applicant in writing and allowing the Applicant opportunity to respond or protest the planned disclosure as provided in Arizona Administrative Code (~~"A.A.C."~~) R2-7-103.

### 3.2.5 Agreement

An Application does not constitute a ~~Qualified Vendor Agreement~~ nor does it confer any rights to the Applicant regarding the award of a ~~Qualified Vendor Agreement~~. A ~~Qualified Vendor Agreement~~ is not created until the Application is accepted in writing by the ~~Division's~~ DDD Contract Manager as evidenced by the ~~Division's~~ DDD Contract Manager's or designee's signature on the *Application and Qualified Vendor Agreement Award* (see Section 9, Attachment A for a sample).

Qualified Vendor initiated amendments to the approved QVAgreement requiring Division review and approval similarly are not part of the Qualified Vendor Agreement until approved by the Division. Qualified Vendor initiated electronic Applications/Aamendments for a Qualified Vendor Agreement that have been electronically submitted and are pending review will lock out the Application from any further change while pending approval.

The Qualified Vendor Agreement shall consist of the various documents specified in Section 6.1.2- of the DES/DDD Standard Terms and Conditions for Qualified Vendors. However, the Applicant is only required to submit the *Application and Qualified Vendor Agreement and Award* form (see Section 9, Attachment A for a sample), the required information in the the Qualified Vendor Application and Directory System via the Division's website, a print-out of the required information entered by the Applicant into the the Qualified Vendor Application and Directory System (see Section 9, Attachment B), all applicable submittals required in the *Qualified Vendor Application Assurances and Submittals* form (see Section 9, Attachment B), and all documents specified on the Request Ffor Qualified Vendor Applications Submittal Checklist posted as part of the RFQVA.

Qualified Vendors should maintain a file titled "Qualified Vendor Agreement" that includes a copy of all of the items listed in Section 6.1.2 of the DES/DDD Standard Terms and Conditions for Qualified Vendors. This entire file will reflect the total Agreement between the Qualified Vendor and the Division.

### 3.2.6 Application Updates and Amendments

A Qualified Vendor shall update and maintain current all the following: the general information section of the vendor contract information component in the the Qualified Vendor Application and Directory System; the *Qualified Vendor A*assurances and *S*ubmittals form, and associated submittals; and the program description section of the service detail information component, including providing hardcopies of any applicable submittalssions, when there is a change or at the request of the Division. Such changes will be subject to approval by the Division and the execution of an amendment to the Agreement. A Qualified Vendor may update all other information in the Qualified Vendor Application and Directory System at any time without requiring Division approval.

To add additional services to the Qualified Vendor Agreement, the Qualified Vendor must request an amendment to the QVA. The Qualified Vendor shall submit the amendment electronically in the QVADS. The Qualified Vendor shall also submit all documents and submittals associated with the proposed amendment, which may include, but is not limited to, an updated Assurances and Submittals form, a Qualified Vendor Supported Developmental Home Third Party Agreement (where applicable), and an updated Business Plan. The Qualified Vendor shall also submit a new Home and Community-Based Services ("HCBS") Certificate reflecting the new service(s) being added. submit an amended Application that requests the additional services. The addition of services to the QVAgreement requires approval by the Division and the execution of an amendment to the QVAgreement.

Qualified Vendors and Applicants are able to update or amend their Application/~~QVA~~ only after submitted changes have been reviewed and a disposition has been made. The Division shall respond to a request for an amendment to a ~~Qualified Vendor Agreement~~ based on the criteria defined in A.A.C. R6-6-2103 and A.A.C. R6-6-2104.

### 3.3 RFQVA Schedule

Notices for significant events in the processing of RFQVAs, amendments, and changes to ~~the the~~ ~~Qualified Vendor Application and Directory System~~ will be posted on the Division's website at [www.azdes.gov/ddd/](http://www.azdes.gov/ddd/).

### 3.4 Individual Independent Providers and Professional Independent Providers

An ~~Individual Independent Provider~~ as referenced in this document means a person who is qualified to provide the service, does not have any employees ~~other than himself/herself~~, does not utilize subcontractors, has a provider identification number, and has an individual service agreement with the Division ~~and who to~~ provides one or more of the following services: Attendant Care; Habilitation, Hourly Support; ~~HomemakerHousekeeping~~; Respite; or Habilitation, Individually Designed Living Arrangement.

An ~~Individual Independent Provider~~ is not required to become a Qualified Vendor to provide these services. The Division uses a simpler and more streamlined method of contracting with ~~Independent Providers~~ using an Independent Provider Agreements ("IPA"s) for Attendant Care; Habilitation, Hourly Support; ~~HomemakerHousekeeping~~; Respite; and Habilitation, Individually Designed Living Arrangement. ~~Independent Providers~~ may contact the Division's Program Districts in order to initiateobtain an IPA contract. The ~~service specifications and the RFQVA and its associated services specifications~~ are not applicable to Individual Independent Providers who enter into an IPA with the Division. Published rates do not apply to Individual Independent Providers.

Individual Independent Providers are regarded as the ~~Division member's consumer's employees employee~~ and must be paid through the Division's fiscal intermediary program.

An ~~Professional individual Independent Provider~~ as referenced in this document means a person who is licensed or certified under Title 32, Arizona Revised Statutes ("A.R.S."), who provides services for members as a Qualified Vendor and is not an employee or a subcontractor of a provider agency. A Professional Independent Provider who wishes to receive a ~~Qualified Vendor Agreement~~ must meet all requirements of the RFQVA, including those relating to insurance. Applications for a ~~Qualified Vendor Agreement~~ require an Employer Identification Number FEIN and may not be submitted under an individual's social security number.

### 3.5 Verification

The Division may contact any source available to verify the information submitted in the Application and may use this information and any additional information obtained from the



source(s) in evaluating the Application. The Division may also utilize internal and external sources and resources to conduct background checks.

### 3.6 Protests

A protest shall comply with and be resolved according to A.C.C. R6-6-2115. An Applicant or Qualified Vendor may protest the posting of a RFQVA, denial of a Qualified Vendor Application in its entirety, or denial of one or more services included in the Application, by filing a written Request for Problem Solving with the Division Assistant Director or a Notice of Protest with the Department procurement officer. The Applicant or Qualified Vendor ~~or Qualified Vendor Applicant~~ shall include the following information in the Request for Problem Solving or in the Notice of Protest:

1. Name, address and telephone number of the protester;
2. The signature of the protester or its representative;
3. Identification of the adverse action by the Division that is in dispute;
4. A statement of the legal and factual grounds of the intended protest including copies of relevant documents; and
5. The form of relief requested.

The Applicant or -Qualified Vendor ~~or Qualified Vendor Applicant~~ shall file the Request for Problem Solving with the Division within twenty-one (21) ~~(twenty-one)~~ days of the date the Applicant or Qualified Vendor ~~or Applicant~~ receives notice of the action.

The protester shall file the Notice of Protest with the Department procurement officer within twenty-one (21) ~~(twenty-one)~~ days of the date the protester receives notice of the action or within fourteen (14) ~~(fourteen)~~ days of issuance of the verification of non-resolution through the Problem Solving process from the Assistant Director.

### 3.7 Evaluation

#### 3.7.1 Evaluation Factors

The Division shall consider the following factors in determining if an Applicant is a Qualified Vendor and eligible to enter into a Qualified Vendor Agreement:

1. Ability of the Applicant to meet the need for services based on performance, including compliance with licensing and certification requirements; program monitoring, Agreement monitoring, or contract monitoring reports; and corporate or individual experience providing community developmental disability services or similar services in Arizona and in other states.

2. Whether the Applicant has met the requirements of the ~~Request for FQualified Vendor Applications~~ process.
3. Whether the Application is consistent with the Division's network development plan or other documentation of projected service need.
4. Financial stability of the Applicant as demonstrated by the financial information provided in the Application.
5. The responsibility of the Applicant, as demonstrated by the background information provided in the Application and/or received from other sources.

### 3.7.2 Evaluation Process

The Division will advise each Applicant in writing or via email ~~whether if~~ its Application is incomplete within thirty (30-~~thirty~~) days of receipt of the Application (**this will only occur after receipt of both the electronic and hardcopies**). The notice will identify the information or documentation that is missing or incomplete in the Application. The Division may conduct discussions with the Applicant to provide information about the completeness of the Application. The Division will specify the timeframe in which the Applicant must provide the missing information. The Division will deny the Application if the Applicant does not provide the additional information within the specified timeframe. The Division will notify an Applicant in writing or via email whether the Applicant has been accepted as a Qualified Vendor within sixty (60-~~sixty~~) days of receipt of a complete Application. The Division will not enter into an QV Agreement unless it has reviewed and evaluated a complete Application.

~~If an Applicant does not submit both a signed hardcopy of the Application and an electronic copy via the Division's website, the Application will not be considered submitted. Such "non-submittals" will not be awarded an Agreement and will not receive any notice.~~

### 3.7.3 Disqualification

The Application of an Applicant who is currently debarred, suspended or otherwise lawfully prohibited from any public procurement activity shall be rejected. **An Applicant may have only one (1) Qualified Vendor Agreement with the Division.**

### 3.7.4 Waiver and Rejection Rights

Notwithstanding any other provision of the RFQVA, the Division reserves the right to:

1. Waive any minor ~~defect or omission~~informality;
2. Reject any and all Applications or portions thereof; or
3. Cancel the RFQVA.